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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Andreas Schmidt

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EXAMINER

BROWN, SHEREE N

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,796	Applicant(s) SCHMIDT ET AL.	
	Examiner SHEREE N. BROWN	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/22/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendments filed on 10/02/2008.
2. Claims 1-12 have been cancelled. Claims 13-25 have been newly added.
3. This action has been made FINAL.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 13-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 and 25 lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be

realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Examiner suggests implementing into the claim limitations the following language, "retrieving from memory" or "processing from a processor" or "storing in memory". The present claims fail to transform the data.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0086120 to Akins, III et al (hereafter Akins) in view of US 2003/0046407 to Erickson et al (hereafter Erickson).

Claim 13:

Akins discloses a process for display of memory contents or of a memory region [See **Akins Paragraphs 0032 & 0048**] on a user surface (i) of a data processing terminal device i0) or a communications terminal device (ii) [(i.e. communication interface) See **Akins Figure 2A, Item 212 & Paragraph 0028**], comprising:

displaying on the user surface (i) [See **Akins Figure 4b-c & Figure 5c & Paragraphs 0061**] at least one parameter (5) comprising name, title, type, or size contained in a DRM data file (2), instead of or in addition to at the least one parameter selected from the name, type or size of the DRM data file (2) [See **Akins Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76**].

However, Akins failed to disclose “*one useful data object*”. Nonetheless, Erickson teaches *one useful data object* (“**versions of the embedded content objects**” See **Erickson Paragraph 0030 & 0034**).

Since both Akins and Erickson teach similar methods, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of showing a number of user data objects.

Claim 14:

The combination of *Akins and Erickson* discloses wherein in addition to the name or title, other data files (4) selected from video, audio or text data files are displayed on the user surface (i) (**See Akins Paragraph 0018**).

Claim 15:

The combination of *Akins and Erickson* discloses opening the DRM data file (2) [See *Akins Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76*] and reading out the at least one parameter (5) comprising name, type [See *Akins Paragraphs 0017, 0041, 0051, 0059*] or size [See *Akins Paragraphs 0070*], of the at least one useful data object (3) ("**versions of the embedded content objects**" See *Erickson Paragraph 0030 & 0034*); displaying on the user surface (i) [See *Akins Figure 4b-c & Figure 5c & Paragraphs 0061*] at least one of the parameters (5) of the at least one useful data object (3) ("**versions of the embedded content objects**" See *Erickson Paragraph 0030 & 0034*) that were read out beforehand instead of or in addition to the corresponding parameter (5) [See *Akins Paragraphs 0017, 0041, 0051, 0059*].

Claim 16:

The combination of *Akins and Erickson* discloses wherein in another process step rights of use (6) [See *Akins Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76*] of the at least one useful data object (3) ("**versions of the embedded content objects**" See *Erickson Paragraph 0030 & 0034*) are sought, evaluated and in combination with at least the name/title ["title, artist, album" See *Akins Figure 4A-4C & 5C*] and optionally the remaining parameters (5) of the corresponding DRM data file (2) [See *Akins Paragraphs 0032, 0043-0044, 0051-0053, 0073 & 0075-76*] or of the corresponding useful data object (3) ("**versions of the embedded content objects**" See *Erickson Paragraph 0030 & 0034*) are displayed on the user surface (i) ["user interface screen (GUI) See *Akins Figure 4A-4C, 5C & Paragraph 0060-0063*].

Claim 17:

The combination of *Akins and Erickson* discloses wherein the parameters (5), especially the name/title, of the DRM data file (2) and/or the parameters (5), especially the name/title, of the at least one useful data object (3) are distinguished from the parameters (5) of other data files (4) by a separate display, by an additional symbol, or by a symbol which has been modified compared to a conventional symbolic representation of the parameters (5) of a data file or the useful data object, or by changing a display color, brightness or structure [“user interface screen (GUI) See *Akins* Figure 4A-4C, 5C & Paragraph 0060-0063].

Claim 18:

The combination of *Akins and Erickson* discloses wherein a plurality of the useful data objects (3) of the DRM data file (2) are displayed separately as independent objects (**“versions of the embedded content objects” See Erickson Paragraph 0030 & 0034**).

Claim 19:

The combination of *Akins and Erickson* discloses wherein a plurality of the useful data objects (3) of the DRM data file (2) or the parameters (5) of several useful data objects (3) (**“versions of the embedded content objects” See Erickson Paragraph 0030 & 0034**) of the DRM data file (2) are displayed by a graphic component (7) [“backdrops as mountain scenes, streams and other back drops” See *Akins* Figure 4A-4C, 5C & Paragraph 0060-0063], or are displayed by a bracket or a frame around the useful data objects (3) of the DRM data file (2) or around the parameters (5) of several useful data objects (**“versions of the embedded content objects” See Erickson Paragraph 0030 & 0034**) of a DRM data file

(2) and/or a common display color, brightness or structure [“user interface screen (GUI)

See Akins Figure 4A-4C, 5C & Paragraph 0060-0063].

Claim 20:

The combination of *Akins and Erickson* discloses, wherein the at least one useful data object (3) is displayed as a subsequencer of a DRM data file sequencer, or in the form of a tree structure [(i.e. directory) See Akins Paragraphs 0070].

Claim 21:

The combination of *Akins and Erickson* discloses wherein an application of administration of the rights of use (6) belonging to the at least one useful data object (3) is integrated into the application for display of the memory contents or of the memory region on the user surface (i) [(i.e. memory display) See Akins Paragraph 0048].

Claim 22:

The combination of *Akins and Erickson* discloses, wherein when the useful data object (3) is activated, verification of existing rights of use (6) is done and for a positive result the useful data object (3) is decoded and transferred to the corresponding application for use of the useful data object (3), and for a negative result the use of the useful data object (3) is prevented [See Akins Paragraph 0032, 0043, 0052, 0069 & 0073-0076].

Claim 23:

The combination of *Akins and Erickson* discloses, wherein as another property parameter of the useful data object (3) it is indicated whether there are rights of use (6) to the useful data object (3) or not, and/or what type and what scope the rights of use (6) have

[See Akins Paragraphs 0032, 0043, 0051, 0069, 0073].

Claim 24:

The combination of *Akins and Erickson* discloses, wherein different types of the rights of use (6) are displayed by correspondingly different graphic and/or written displays

["user interface screen (GUI)" See Akins Paragraphs 0013, 0020, 0027, 0059].

Claim 25:

The combination of *Akins and Erickson* discloses telecommunications arrangement (9) comprising at least one data processing terminal device (11) and/or one communications terminal device (ii), which is designed to execute the process as claimed in claim 13 [(i.e. communication interface) See Akins Figure 2A, Item 212 & Paragraph 0028].

Response to Arguments

8. Applicant's arguments with respect to claims 13-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEREE N. BROWN whose telephone number is (571)272-4229. The examiner can normally be reached on Monday-Friday 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/553,796
Art Unit: 2163

Page 10

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Examiner
Art Unit 2163
December 10, 2008

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Supervisory Patent Examiner, Art Unit 2163